

EXHIBIT 1



Entered on Docket
March 12, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,¹

USA SECURITIES, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
HOMES FOR AMERICA HOLDING,
LLC – RIVIERA 2ND DEED OF
TRUST LOAN**

Date of Hearing: February 21, 2008
Time of Hearing: 9:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Homes for America Holding, LLC – Riviera 2nd Deed of Trust Loan
4 (the "Objection") [DE 5653]. Adequate notice of the Objection was given. The Court
5 heard the Objection on February 21, 2008. No responses were filed to the Objection and
6 no opposition was raised at the hearing. Good cause appearing,

7 IT IS ORDERED:

- 8
- 9 • Sustaining the Objection;
 - 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the Homes for America Holding, LLC –
12 Riviera 2nd Deed of Trust Loan. The Proofs of Claim listed in Exhibit A are
13 not affected by this order to the extent they are based upon an investment in a
14 loan(s) other than the Homes for America Holding, LLC – Riviera 2nd Deed of
15 Trust Loan; and
 - 16 • Reserving the right of any party in interest, including the USACM Trust, to
further object to the Proofs of Claim listed on Exhibit A attached.

17 ###

18 PREPARED AND SUBMITTED:

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)
21 Susan M. Freeman
22 Rob Charles
23 John Hinderaker
24 *Attorneys for USACM Liquidating Trust*
25
26

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing regarding this matter and/or who filed a written objection and each has:
 - ☐ approved the form of this order;
 - ☐ waived the right to review the order;
 - ☐ failed to file and serve papers in accordance with LR 9021(c); and/or
 - ☐ failed to sign and return this proposed order within five (5) business days in accordance with LR 9021(b).
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who appeared at the hearing regarding this matter and/or who filed a written objection and all have either approved the form of this order, waived the right to review the order, failed to file and serve papers in accordance with LR 9021(c) and the following have disapproved the form of the order.
- ☒ No opposition was filed and no other party or counsel appeared at the hearing.

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

EXHIBIT A**HFA – Riviera 2nd
Third Omnibus Objection
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the HFA - Riviera 2nd Loan
10725-01865	Adrian Oosthuizen, Jr.	5860 Lausanne Drive Reno, NV 89511	1,355,647.65	25,000.00
10725-00245	Robert H. and Lynn R. Perlman Trust Dated 9/17/92	c/o Robert H. and Lynn R. Perlman Trustees 2877 Paradise Road, Unit 3501 Las Vegas, NV 89109-5278	1,187,000.00	\$50,000.00
10725-00882	Kenneth L. Schumann Living Trust Dated 7/19/96	c/o Kenneth L. Schumann Trustee 10 Town Plz #99 Durango, CO 81301-5104	125,000.00	25,000.00
10725-00884	Kenneth Schumann	10 Town Plz #99 Durango, CO 81301	125,000.00	25,000.00
10725-01256	Gary Topp	P.O. Box 3008 Grass Valley, CA 95945-3008	425,000.00	50,000.00
10725-01258	Gary Topp	P.O. Box 3008 Grass Valley, CA 95945	4,394.44	700.00
10725-01083	Robert W. Ulm Living Trust Dated 4/11/05	c/o Robert W Ulm Trustee 414 Morning Glory Road St. Marys, GA 31558-4139	750,000.00	50,000.00
10725-02088	Robert W. Ulm Living Trust Dated 4/11/05	Robert W. Ulm Trustee 414 Morning Glory Road St. Marys, GA 31558	688,165.00	50,000.00
10725-02089	Robert W. Ulm	414 Morning Glory Road St Marys Ga 31558	unspecified	unspecified
10725-00152	Linda M. Walker	3710 Clover Way Reno, NV 89509	101,500.00	25,000.00